IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

WEDNESDAY, THE 7TH FEBRUARY 2007 / 18TH MAGHA 1928

WP(C).No. 29943 of 2004(M)

PETITIONER:

THANKAMMA GEORGE,
MUNDACKAL, INDIRA NAGAR, CHANGANACHERRY.

BY ADV. SRI.K.V.GOPINATHAN NAIR

RESPONDENTS:

----

1. **THE REGIONAL TRANSPORT AUTHORITY,**
   ALAPPUZHA.

2. **THE SECRETARY,**
   REGIONAL TRANSPORT AUTHORITY, ALAPPUZHA.

3. **THE DISTRICT TRANSPORT OFFICER,**
   K.S.R.T.C., ALAPPUZHA.

4. **THE SECRETARY,**
   REGIONAL TRANSPORT AUTHORITY, KOTTAYAM.

5. **THE STATE TRANSPORT APPELLATE TRIBUNAL,**
   ERNAKULAM.

BY ADV. SRI.SAJEEVKUMAR K.GOPAL, SC, KSRTC
SRI.T.RAVIKUMAR, SC, KSRTC
SRI.K.PRABHAKARAN, SC, K.S.R.T.C.
BY GOVERNMENT PLEADER SMT.M.K.PUSHPALATHA

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 07/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C) NO. 29943/2004

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- COPY OF THE REGULAR PERMIT ISSUED TO THE PETITIONER VALID TILL 23.3.02.

EXT.P2:- COPY OF THE DECISION OF THE R.T.A. DT.3.2.03.

EXT.P3:- COPY OF THE MEMORANDUM OF REVISION PETITION NO.M.V.A.R.P.NO.86/03 FILED BY THE PETITIONER BEFORE THE 5TH RESPONDENT DT.12.3.03.

EXT.P4:- COPY OF THE DECISION OF THE R.T.A. DT.30.10.1967.

EXT.P5:- COPY OF THE ORDER OF THE 1ST RESPONDENT DT. 9.10.03.

EXT.P6:- COPY OF THE ORDER OF THE 5TH RESPONDENT DT.18.8.04.

/TRUE COPY/

tss

K.BALAKRISHNAN NAIR,J.

WP(C)NO.29943 OF 2004-M

Judgment

The petitioner is having a regular permit on the route Kumily-Kayamkulam via Mundakayam, Ponkunnam, 14th Mile, Karukachal, Changanacherry, Idinjillam, Parumala, Mavelikkara and Thattarambalam. For renewal of the permit, the Secretary, RTA, Kottayam moved the Alleppey RTA for concurrence. The said motion was rejected on the objection of the KSRTC. It was found that the route objectionably overlaps the notified scheme Kayamkulam-Harippad, touching two intermediate points. The petitioner filed Ext.P3 revision before the STAT. The said revision was dismissed by Ext.P6 order, upholding the decision of the RTA. Hence this Writ Petition, challenging Exts.P2 and P6. Now, the petitioner is operating on the strength of the permit, without touching Alleppey district. She submits, the permit is going to expire on 23.03.2007. The petitioner submits, at the time of renewal, she may be given an opportunity to modify the portion of the route in Alleppey district so that the objectionable overlapping could be avoided.

2. I heard the learned Standing Counsel for the KSRTC and also the learned Government Pleader appearing for the official respondents. If the petitioner appropriately modifies that portion of the route, which is in Alleppey district, so as to avoid the objectionable overlapping in the Nationalised route, the RTA, Alleppey shall consider his application for concurrence, uninfluenced by Ext.P2 or Ext.P6. Needless to say, the KSRTC shall also be given

an opportunity of being heard while the matter is considered by the RTA, Alleppey.

The Writ Petition is disposed of as above.

07.02.2007 **K.BALAKRISHNAN NAIR,JUDGE**

sta